



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON, D.C. 20370-5100

JRE
Docket No: 2141-00
21 November 2000

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 15 November 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board was unable to conclude that you were suffering from post traumatic stress disorder at the time of your discharge from the Marine Corps due to residuals of shrapnel wounds, which were rated at 10% disabling. The Board noted that you completed a Report of Medical History on 15 March 1972, and specifically denied having a history of depression or excessive worry, loss of memory or amnesia, or nervous trouble of any sort. In addition, you did not mention any of the hallmark symptoms of post traumatic stress disorder in your initial claim for benefits administered by the Veterans Administration (VA), which you submitted in 1972. You apparently decided to reenlist in the Marine Corps about one year after you were discharged, and underwent a physical examination during August 1973, at Naval Air Station, Guam. Although you were found fit for enlistment, you never completed reenlistment processing.

The fact that the VA awarded you compensation for post traumatic stress disorder on 27 August 1993 is not probative of error or injustice in your case, because the VA makes such awards without regard to the issue of fitness for military service, based on its determination

that a condition is "service connected", that is, incurred in, aggravated by or merely traceable to a period of military service. The VA may assign, raise and lower ratings throughout a veteran's life time, whereas ratings and fitness determinations made by the military departments are fixed as of the date of the service member's separation or permanent. In the absence of evidence which demonstrates that you suffered from post traumatic stress disorder on 15 August 1972, and that such condition was ratable at 20% or higher at that time, the Board was unable to recommend any corrective action in your case. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director